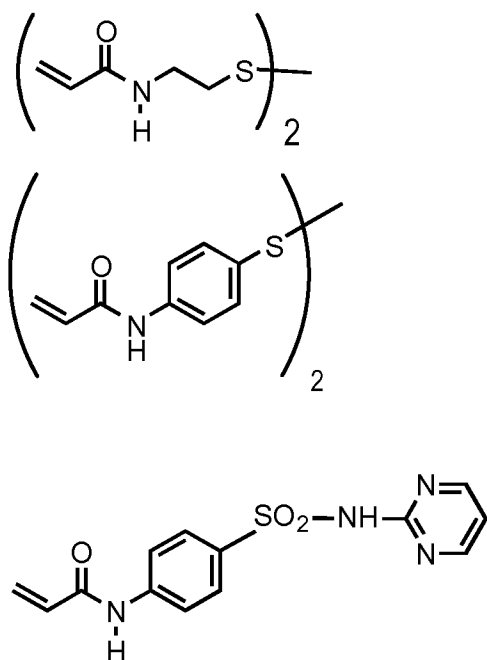


REMARKS

Examiner has rejected claims 1, 4-11, 14-17, 19, 21-24 as unpatentable over JP55-38855 in view of Gibbins et al. (US6,605,751), Vanderlaan et al. (US 5,998,498), Laskey (US 3,929,741), Malecki et al. Tilley, Bennet and Young.

Claims 55-61 and 63-72, but not against claims 1, 4-11, 14-17, 19 and 21-24, which all recite three specific monomers of the formulae



No reference cited by the Examiner discloses or suggests the monomers recited in claims 74 and 75. Withdrawal of the rejections of these claims is requested.

JP 55-38855 ("JP '855) discloses "antimicrobial materials of which the principal component is a polymeric substance that contains sulfone groups and antimicrobial metal ions that are ionically bonded with these sulfone groups." JP '855 further discloses that the "monomers that contain sulfone groups include styrene sulfonic acid, allyl sulfonic acid, sulfopropylacrylate, sulfopropyl methacrylate, 3-chloro-4-vinylbenzenesulfonic acid, 2-acryloyloxybenzene, sulfonic acid, 2-acryloyloxynaphthalene-2-sulfonic acid, 2-methacryloyloxynaphthalene-2-sulfonic acid, 2-hydroxy-3-sulfopropylmethacrylate and potassium, sodium, ammonium salts thereof". Page 2, first paragraph, first column. Thus, JP '855 does not disclose or suggest the ligand monomers recited in claims 1, 74

and 75, nor does it suggest that one of skill in art should modify the monomers disclosed therein. JP '855 also does not disclose any transparent device, let alone a contact lens or a method of making a contact lens.

Examiner has sought to cure fill this deficiency by relying on six additional references, Vanderlaan et al, Gibbins et al., Laskey, Nochumson, Malecki, Tilley which are described individually below.

Gibbins et al. discloses “silver-containing antimicrobial hydrophilic material”. Abstract. The materials may be formed from a wide variety of materials, including natural and synthetic polymers and a non-gellable polysaccharide. Col 12, lines 33-35. The antimicrobial is an ionic silver salt which is deposited via precipitation. Col. 15, line 62-col. 16, line 15. Gibbins et al. further discloses that bisacrylylcystamine may be used as a crosslinking agent when the matrix is formed from polyacrylamide. However, Gibbins et al. neither discloses nor suggests that bisacrylylcystamine could be used reversibly bind silver. Gibbins et al. instead discloses that “the combination of chains cross-linked together creates micro-cavities wherein the desired agents are encapsulated. By controlling the amount of cross-linking agent and the length of chains of monomer, it is possible to regulate the size of the micro-cavities in the polymer. Larger micro-cavities, produced by a lower degree of cross-linking, allow for freer migration and quicker delivery of the desired agent, whereas smaller micro-cavities increase the delivery time” Col. 15, lines 6-14.

Nochumson et al. discloses polyacrylamide copolymer gels which are useful as electrophoresis medium. Abstract. Nochumson et al. discloses that N,N'-bisacrylylcystamine is used as a crosslinker in making polyacrylamide gels for electrophoresis medium. Nochumson et al. does not disclose the monomers recited in claims 74 and 75. Nochumson et al. also does not disclose or suggest the incorporation of any antimicrobial agent, the formation of other articles such as contact lenses, or that N,N'-bisacrylylcystamine could be used for anything other than a crosslinking agent.

Vanderlaan discloses soft contact lenses formed from silicone hydrogels comprising specific monoalkyl terminated siloxane monomers (Column 2, lines 24-43). The use of any antimicrobial agents or binding monomers, let alone those of the present invention is not disclosed or suggested.

Laskey discloses polymer compositions comprising a hydrophilic polymer obtained by polymerization of an acrylamido alkyl sulfonic acid monomer which have the ability to imbibe water “in extremely high quantities, even up to 400 times the weight of the polymer.” See column 1, lines 31 through 36. The monomers of claims 1 and 74 of the present invention do not contain a sulfonic acid group, just a sulfide group. The monomer of claim 75 contains a sulfonic acid ester group, but this is also not disclosed or suggested by Laskey. See col. 1, lines 64- col. 2, line 5. Laskey et al. is also silent as to incorporating any antimicrobial agent.

Malecki et al. and Tilley disclose methods of determining stability constants of silver with various ligands. Ligands as recited in claims 1, 74 and 75 are not disclosed or suggested. Specifically, neither Malecki et al. nor Tilley disclose ligands having a terminal vinyl group. Malecki et al. and Tilley also do not suggest incorporating the ligands disclosed therein into any polymeric substrate, let alone a contact lens.

JP '855 does not disclose the monomers recited in claims 1, 74 and 75. Vanderlaan et al, Nochumson, et al., Laskey, Bennett are absolutely silent as to antimicrobial contact lenses of any kind, let alone those comprising silver and the monomers recited in claims 1, 74 and 75. Malecki et al. and Tilley also do not disclose or suggest contact lenses, do not disclose or suggest monomers of claims 1, 74 and 75 for any purpose, let alone contact lenses comprising silver and formed from those monomers.

Claim 1 has been amended to recite that the monomer reversibly binds silver. Support for this amendment may be found at page 26, lines 18-19. The references cited by the Examiner simply do not suggest this. Withdrawal of the rejection is requested.

Examiner has further rejected claims 1, 4-11, 14-17, 19, 21-24, 73-75 on double patenting grounds over copending Applications 10/734,762. Copending application 10/734,762 has been abandoned. Accordingly, Applicants respectfully request Examiner withdraw the provisional nonstatutory obviousness type double patenting rejection.

Applicants respectfully submit that the foregoing amendment have traversed the outstanding rejections and the claims as amended, are in condition for allowance. Entry of the amendment and allowance of the claims is respectfully submitted.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (904) 443-3074.

Respectfully submitted,

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July 1, 2009